

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Gale Bonsall,**  
Petitioner-Appellant,

v.

**Black Hawk County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 09-07-0769<sup>R</sup>**  
**Parcel No. 8914-02-377-005**

On October 27, 2009, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant, Gale Bonsall, requested the appeal be considered without hearing and submitted evidence in support of his petition. He is self-represented. The Board of Review designated Assistant County Attorney David J. Mason as its legal representative. It also certified its record. The Appeal Board now having examined the entire record, and being fully advised, finds:

***Findings of Fact***

Gale Bonsall, owner of property located at 54 River Ridge Road, Cedar Falls, Iowa, appeals from the Black Hawk County Board of Review decision reassessing his property. According to the property record card, the subject property consists of a one-story dwelling having 1600 square feet of living area on the main level, a fully finished attic, a full basement with 450 square feet of finished area, and a 600 square-foot attached garage. The main dwelling was built in 1968, and a one-story addition was added in 1990. The dwelling is situated on a 0.276 acre site.

The real estate was classified as residential on the initial assessment of January 1, 2009, and valued at \$231,020, representing \$29,060 in land value and \$201,960 in improvement value.

Bonsall protested to the Board of Review on the ground that the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b). He claimed that \$200,000; allocated \$25,000 to land and \$175,000 to the dwelling, was the actual value and a fair assessment of the property. The Board of Review denied the protest stating that insufficient evidence was presented to prove the assessment was excessive.

Bonsall filed his appeal with this Board and urged the grounds that the property was over-assessed and also that the assessment was not equitable as compared with assessments of other like property in the taxing district under section 441.37(1)(a). Since the ground of equity had not been presented to the Board of Review, the Appeal Board is precluded from addressing it for the first time on appeal. § 441.37A(1). Therefore, the ground that the property is assessed for more than the value authorized by law under section 441.37(1)(b) is the only ground that will be considered by this Board.

In Bonsall's opinion, a recent change in the grade-school attendance boundaries has adversely affected the value of properties in the neighborhood. He prepared a report comparing the subject property to five other single family homes that sold in Cedar Falls. Three of the properties were located in close proximity to the subject property and two were not in the immediate area. Although the report lists the subject property as a one and one-half story, it is listed as a one-story with finished attic on the assessor's records. The alleged comparable properties include one-story, two-story, one and one-half story, and split level dwellings generally built in the late 1960s to mid-1970s. The report indicates that the subject property has no below grade finish, whereas the property record card indicates 450 square feet of finished basement. According to the report, the subject property has the most above-ground square footage and the second most below-grade square feet, although the subject property has the smallest size lot. The pre-adjusted sale prices of the five properties ranged from \$186,000 to \$230,000 with a median sale price of \$195,000.

Reviewing all the evidence, we find that Bonsall's January 1, 2009, assessed value is higher than the range of the sale prices reported for his comparable properties and may suggest over-assessment. However, sufficient evidence was lacking to reasonably determine the property's fair market value because the sales data provided by Bonsall was unadjusted for variables such as location, design, quality of construction, condition and size. Since he did not analyze the sales data and no dollar adjustment for differences were made; there was no indication that the properties values were similar to the Bonsall property.

### ***Conclusion of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or comparable properties in normal transactions are also to be considered in arriving at market value. *Id.*



If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2).

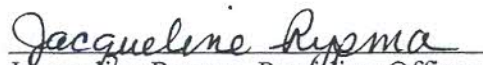
The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).


In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).


Viewing the evidence as a whole, we determine Bonsall failed to provide substantial evidence to support his claim of over-assessment as of January 1, 2009. We, therefore, affirm the Bonsall property assessment as determined by the Board of Review. The Appeal Board determines that the property assessment value as of January 1, 2009, is \$231,020, representing \$29,060 in land value and \$201,960 in dwelling value.

THE APPEAL BOARD ORDERS that the January 1, 2009, assessment as determined by the Black Hawk County Board of Review is affirmed.

Dated this 10 day of November 2009.

  
Jacqueline Rypma, Presiding Officer

  
Richard Stradley, Board Member

  
Karen Oberman, Board Chair

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>11-10</u> , 200 <u>9</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u>[Signature]</u>